

Conference Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 312

# **SENATE BILL 1235**

AN ACT

AMENDING TITLE 41, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-725; RELATING TO STATE FINANCIAL DISCLOSURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 4, article 3, Arizona Revised Statutes,  
3 is amended by adding section 41-725, to read:

4 41-725. Full disclosure of state contracts; searchable database

5 A. ON OR BEFORE JANUARY 1, 2011, THE DEPARTMENT SHALL ESTABLISH AND  
6 MAINTAIN AN OFFICIAL INTERNET WEBSITE THAT IS ELECTRONICALLY SEARCHABLE BY  
7 THE PUBLIC AT NO COST AND THAT CONTAINS A COMPREHENSIVE DATABASE OF RECEIPTS  
8 AND EXPENDITURES OF STATE MONIES.

9 B. THE DEPARTMENT MUST PRESENT INFORMATION IN THE DATABASE IN A MANNER  
10 THAT IS INTUITIVE TO MEMBERS OF THE GENERAL PUBLIC, INCLUDING GRAPHICAL  
11 REPRESENTATIONS. THE DATABASE MUST ALLOW USERS TO:

12 1. SEARCH AND AGGREGATE PAYMENTS BY INDIVIDUAL BUDGET UNITS AND  
13 PROGRAMS.

14 2. SEARCH AND AGGREGATE PAYMENTS BY INDIVIDUAL VENDORS, INCLUDING THE  
15 TOTAL AMOUNT OF STATE FUNDING AWARDED BY ALL BUDGET UNITS TO INDIVIDUAL  
16 VENDORS.

17 3. DOWNLOAD INFORMATION YIELDED BY A SEARCH OF THE DATABASE.

18 C. THE DATABASE SHALL INCLUDE THE FOLLOWING INFORMATION:

19 1. ANNUAL RECEIPTS OF REVENUES, INCLUDING:

20 (a) RECEIPTS OR DEPOSITS BY EACH STATE BUDGET UNIT INTO FUNDS  
21 ESTABLISHED IN THE STATE TREASURY.

22 (b) TAXES.

23 (c) EARNINGS BY EACH BUDGET UNIT, INCLUDING AMOUNTS COLLECTED FOR  
24 MERCHANDISE SOLD, SERVICES PERFORMED AND LICENSES, CERTIFICATIONS AND PERMITS  
25 ISSUED.

26 (d) REVENUE FROM THE USE OF PUBLICLY-OWNED MONEY OR PROPERTY,  
27 INCLUDING LEASES AND LICENSES.

28 (e) GIFTS, DONATIONS AND GRANTS RECEIVED, INCLUDING AMOUNTS RECEIVED  
29 FROM THE FEDERAL GOVERNMENT.

30 (f) ANY OTHER TYPE OF PUBLIC REVENUE, HOWEVER DENOMINATED OR DERIVED,  
31 DEPOSITED INTO THE STATE TREASURY.

32 2. ANNUAL EXPENDITURES AND DISBURSEMENTS OF STATE REVENUES BY EACH  
33 STATE BUDGET UNIT FROM FUNDS ESTABLISHED IN THE STATE TREASURY, AS  
34 APPLICABLE, INCLUDING:

35 (a) BOND PAYMENTS, DEBT SERVICE AND REDEMPTION CHARGES AND FEES.

36 (b) CONTRACTUAL SERVICES AND COOPERATIVE AGREEMENTS.

37 (c) COMMODITIES.

38 (d) CAPITAL OUTLAY.

39 (e) REVENUE SHARING AND OTHER AID TO OTHER LEVELS OF GOVERNMENT,  
40 INCLUDING TRIBAL GOVERNMENTS.

41 (f) ANY OTHER EXPENDITURE OR DISBURSEMENT OF STATE REVENUE FROM THE  
42 STATE TREASURY, HOWEVER DENOMINATED OR STRUCTURED.

43 D. EXPENDITURE DATA SHALL LIST:

44 1. THE MANNER OF PAYMENT, INCLUDING CHECK OR WARRANT OR CREDIT, DEBIT  
45 OR OTHER PURCHASE CARD.

1           2. THE FUNDING SOURCE, INCLUDING CATEGORICAL CODES AND THE STATE  
2 ACCOUNTS THE EXPENDITURE IS APPROPRIATED FROM.

3           3. A STANDARDIZED DESCRIPTIVE TITLE OF THE TYPE AND PURPOSE OF THE  
4 TRANSACTION.

5           4. THE DATE AND AMOUNT OF EACH PAYMENT.

6           5. THE STATE AGENCY OR BUDGET UNIT MAKING THE PAYMENT.

7           6. THE NAME OF THE PERSON OR ENTITY RECEIVING THE PAYMENT, INCLUDING  
8 TO THE EXTENT PRACTICAL A PARENT ENTITY OF THE RECIPIENT IF THE RECIPIENT IS  
9 OWNED BY ANOTHER ENTITY.

10          7. THE PRIMARY LOCATION OF PERFORMANCE UNDER THE CONTRACT, INCLUDING  
11 THE COUNTY, CITY OR TOWN AND LEGISLATIVE DISTRICT.

12          E. THE DATABASE SHALL NOT INCLUDE:

13           1. TAX PAYMENT OR REFUND DATA THAT INCLUDE CONFIDENTIAL TAXPAYER  
14 INFORMATION.

15           2. DATA RELATING TO PAYMENTS OF STATE ASSISTANCE TO INDIVIDUAL  
16 RECIPIENTS.

17           3. PAYEES' ADDRESSES OR TELEPHONE NUMBERS, BUT THE DEPARTMENT MAY  
18 ALLOW PUBLIC ACCESS IN THE DATABASE TO INFORMATION IDENTIFYING THE COUNTY IN  
19 WHICH THE PAYEE IS LOCATED.

20           4. WORK PRODUCT IN ANTICIPATION OF LITIGATION OR INFORMATION SUBJECT  
21 TO ATTORNEY-CLIENT PRIVILEGE.

22           5. ANY OTHER INFORMATION THAT IS DESIGNATED BY LAW AS CONFIDENTIAL OR  
23 PREAPPROVED AS CONFIDENTIAL BY THE DEPARTMENT PURSUANT TO RULE. THE  
24 DEPARTMENT AND ANY OFFICER OR EMPLOYEE OF THE DEPARTMENT:

25           (a) MAY RELY ON A DETERMINATION MADE BY A BUDGET UNIT REGARDING  
26 CONFIDENTIALITY OF INFORMATION RELATING TO THE BUDGET UNIT'S EXPENDITURES.

27           (b) ARE IMMUNE FROM CIVIL LIABILITY FOR POSTING CONFIDENTIAL  
28 INFORMATION UNDER THIS SECTION IF THE POSTING IS IN RELIANCE ON THE BUDGET  
29 UNIT'S DETERMINATION RELATING TO CONFIDENTIALITY.

30          F. EACH BUDGET UNIT SHALL COOPERATE WITH THE DEPARTMENT AS NECESSARY  
31 TO IMPLEMENT AND ADMINISTER THIS SECTION. EACH BUDGET UNIT SHALL PROVIDE TO  
32 THE DEPARTMENT ANY ADDITIONAL DATA IN A MANNER AND SCHEDULE PRESCRIBED BY THE  
33 DEPARTMENT THAT ARE REQUIRED TO BE INCLUDED IN THE DATABASE. THE DATABASE  
34 SHALL BE UPDATED WITHIN THIRTY DAYS AFTER THE END OF EACH FISCAL YEAR AND MAY  
35 BE UPDATED AS NEW DATA BECOME AVAILABLE. THE DATA SHALL BE RETAINED IN THE  
36 DATABASE FOR AT LEAST TEN FULL FISCAL YEARS.

37          G. THE GOVERNOR, SECRETARY OF STATE, STATE TREASURER AND LEGISLATURE  
38 SHALL INCLUDE A LINK TO THE DATABASE UNDER THIS SECTION IN THEIR INDIVIDUAL  
39 OFFICIAL WEBSITES. EACH BUDGET UNIT THAT MAINTAINS A GENERALLY ACCESSIBLE  
40 INTERNET WEBSITE, OR FOR WHICH A GENERALLY ACCESSIBLE WEBSITE IS MAINTAINED,  
41 SHALL INCLUDE A LINK ON THAT WEBSITE TO THE DATABASE UNDER THIS SECTION.

1       Sec. 2. Initial deployment of database: report

2       A. The department of administration may initiate the searchable  
3 database of state receipts and expenditures under section 41-725, Arizona  
4 Revised Statutes, as added by this act, in phases as necessary to ensure its  
5 orderly and effective development.  
6       B. On or before September 1, 2009, the department shall submit a  
7 written report to the governor, the president of the senate and the speaker  
8 of the house of representatives on the progress and plans for the full  
9 implementation of the database. The report shall include details of the  
10 development of the database, encountered and anticipated costs and necessary  
11 changes in accounting, reporting, procurement and other administrative  
12 practices to ensure that required governmental information becomes available  
13 in a timely, standardized, uniform and meaningful format from all budget  
14 units as required by law and that will be useful to the public.

APPROVED BY THE GOVERNOR JULY 7, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 7, 2008.